1. **GENERAL INFORMATION** – Patrol officers will initially respond and take an original incident report for calls involving Criminal Damage and Graffiti.

   A. Officers will also be responsible for any follow-up and/or interviews that should have been completed at the time of the initial response.

   B. The Property Crimes Bureau will be responsible for other investigative follow-up that results from the original incident report.

2. **CRIMINAL DAMAGE, ARIZONA REVISED STATUE (ARS) 13-1602**

   A. Value of Damage

      (1) The total amount of damage caused due to one scheme or course of conduct will determine the classification of the offense.

      EXAMPLE: One suspect snaps off a dozen vehicle antennas resulting in total damage costs that amount to felony criminal damage.

      (2) Criminal damage reports where the suspect is not known and the value of the damage is less than $10,000 can be submitted by citizens by accessing the Citizens Online Police Reporting System, available at phoenix.gov.

      NOTE: The Citizens Online Police Reporting System cannot be used by citizens for graffiti complaints and officers will be dispatched.

   B. Reduced Prosecution

      (1) If the amount of damage caused is over $250 but less than $2000, the offender may be eligible for reduced prosecution (see Operations Order 1.9.00, Arrest, section 10).

      EXCEPTION: A CRIMINAL DAMAGE/GRAFFITI charge **is not** eligible for reduced prosecution.

      (2) If the offender is not eligible for reduced prosecution, the offender will be charged with a felony when the value of the damage is $1000 or more (ARS 13-1602B).

3. **GRAFFITI PREVENTION, PROHIBITION, AND REMOVAL, PHOENIX CITY CODE (PCC) 39-10**

   A. This PCC provides a procedure for the prevention, prohibition, and removal of graffiti from walls, structures, or surfaces on public and private property in order to reduce blight and deterioration within the City and to protect the public's health and safety.

   B. Definitions

      (1) Graffiti - Graffiti is defined as the etching, scratching, painting, covering, drawing upon or otherwise placing a mark, symbol, figure, inscription, word, design, drawing, or name upon public or private property.

      (2) Broad-tipped indelible marker - A broad-tipped indelible marker is defined as any felt-tip marker, or similar implement, that contains a fluid that is not water soluble and that has a flat or angled writing surface one-half inch or greater.

   C. All sidewalks, walls, buildings, fences, signs, and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property.

3. C. (1) The Neighborhood Services Department is responsible for notifying the owner or responsible party in writing to remove the graffiti from the property within 10 days of notification and will conduct follow-up should the owner fail to comply.

(2) Officers will advise complainants to contact the Neighborhood Services Department at 602-534-4444.

D. Prohibited Conduct

(1) No person may write, paint, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property, owned, operated, or maintained by a governmental entity or any agency or instrumentality thereof or by any person, firm, or corporation unless the express permission of the owner or operator of the property has been obtained.

(2) No person may possess an aerosol spray paint container or broad-tipped indelible marker with the intent to violate the provisions of paragraph D.(1) above.

(3) No person may posses an aerosol spray paint container or broad-tipped indelible marker on any private property unless the owner, agent, manager, or other person having control of the property consented to the presence of the aerosol spray paint container or broad-tipped indelible marker.

(4) No person under the age of 18 years may possess an aerosol spray paint container or broad-tipped indelible marker on any public property unless accompanied by a parent, guardian, employer, teacher, or other adult in any similar relationship and such possession is for a lawful purpose.

(5) No person or firm may sell, deliver, or give or cause to be sold, delivered, or given to any person under the age of 18 years, and no person under the age of 18 years may buy any aerosol spray paint container or broad-tipped indelible marker.

E. Storage and Display of Aerosol Spray Paint Containers and Broad-tipped Indelible Markers; City Ordinance Section 39-10.D, Civil Sanction

(1) It is unlawful for any person who owns, conducts, operates, or manages a business where aerosol spray paint containers or broad-tipped indelible markers are sold, or any person who sells or offers for sale aerosol spray paint containers or broad tipped indelible markers, to store or display, or cause to be stored or displayed, such aerosol spray paint containers and broad-tipped indelible markers in an area that is accessible to the public without employee assistance in the regular course of business pending legal sale or other disposition.

(2) Enforcement Procedure - Officers will advise the complainant to contact Neighborhood Preservation at 602-534-4444. If during non-business hours, advise complainant to leave a message

4. **GRAFFITI ENFORCEMENT PROCEDURES**

A. Officers will take enforcement action on all reported or on-view graffiti offenses **and** complete an Incident Report (IR).

(1) Adults may be booked or issued a citation in lieu of detention (CLD) for the below misdemeanor violations:

- PCC 39-10C.1, Writing on property prohibited
- ARS 13-1602.A.5, Criminal damage-graffiti, if the damage is less than $1000.

NOTE: Officers will use the PCC, in lieu of the ARS code, whenever possible.

4. A. (2) Juveniles may be detained or referred and released for misdemeanor violations of Criminal damage-graffiti, ARS 13-1602.A.5.

(3) Adults may be booked or released, and juveniles may be detained or referred and released for the below felony violations:

- ARS 13-1604, Aggravated criminal damage-graffiti, if the act is committed against a school, church, place of worship, or cemetery
- ARS 13-1602.A.5, Criminal damage-graffiti, if the damage is $1000 or more (see ARS 13-1602.B.1-4 for charging criteria)

5. **DOCUMENTATION**

A. Reporting Requirements

(1) Officers will complete an IR for all graffiti violations, with or without suspect information, when contacted by a victim or complainant.

(2) When a suspect is arrested and a victim cannot be immediately contacted, a Graffiti Unit door hanger will be left on the victim's door.

(3) All graffiti IRs will be completed using the appropriate offense code.

NOTE: IRs are necessary to adhere to prosecution protocols and ensure successful prosecution of offenders.

B. Officers interviewing suspects for graffiti/criminal damage violations will ask the suspect/s the following questions and document the information in the IR:

(1) Where was the spray paint/indelible marker obtained?

(2) What does the writing (graffiti) say/mean?

(3) What do the initials stand for?

(4) What is your tag name?

(5) What is the crew of gang association name?

(6) How long have you been writing/tagging?

(7) Do you have permission to write?

NOTE: Tagging/writing is a street term (slang) for graffiti.

C. Officers will:

(1) Have the suspect and the graffiti photographed using a digital camera.

(a) When photographing the graffiti, ensure photographs are taken at a 90 degree angle directly in front of or above the item being photographed.

- Photographs taken at angles other than 90 degrees are not able to be compared in handwriting analysis.

(b) In cases involving multiple suspects, photograph each suspect next to the graffiti the individual suspect is accused of writing.

5. C. (1) (c) When safe to do so, photograph the suspect's hands next to their face in order to identify whose hands are being depicted in the photograph

(2) Collect a sample of the paint on a 3 x 5 card and impound as Evidence.

(3) Process any spray paint container/s for latent prints.

(4) Remove the tips from all spray paint cans and impound the cans as Evidence.

(5) If possible, obtain samples of the suspect's work (graffiti) and impound as Evidence.

- Based on a lawful search, samples may be obtained from notebooks, backpacks, etc.

6. **DISPOSITION OF GRAFFITI VIOLATORS**

A. Adults	• If the damage is less than $1000, issue a CLD or book the subject, for violation of PCC 39-10.C.1 • If the damage is $1000 or more, book the subject for violation of ARS 13-1602A5 (F) • If being charged with a violation of ARS 13-1602A5 (F) **or** ARS 13-1604, book into the appropriate justice of the peace (JP) court • Ensure the appropriate "Offense Code" is selected in the Offense section of the Booking Report and IR.
B. Juveniles	• May be referred and released, or detained • Ensure the appropriate "Offense Code" is selected in the Offense section of the IR. • Refer to Operations Order 7.8.00, Juvenile Procedures, for more information.

Last Organizational Review: